

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>IN RE:</b>  <b>ANTONIETTA ROSITA PILLOT DEBTOR(S)</b>  <b>WELLS FARGO BANK, N.A. MOVANT</b>  <b>VS</b> <b>ANTONIETTA ROSITA PILLOT AND MARY K. VIEGELAHN, TRUSTEE RESPONDENTS</b>	§ § § § § § § § § §	<b>CASE NO. 14-52519-CAG</b>  <b>CHAPTER 13</b>
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**MOTION FOR RELIEF FROM THE 11 USC § 362 AUTOMATIC STAY  
AND WAIVER OF THIRTY-DAY HEARING REQUIREMENT**

**NOTICE**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO RESPONSE IS FILED WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE, THE  
RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now Wells Fargo Bank, N.A. ("Movant"), its successors and/or assigns, a secured Movant in the above-entitled and numbered case, by and through its attorneys, to file this Motion for Relief from the 11 USC § 362 Automatic Stay ("Motion") against Antonietta Rosita Pillot, "Debtor(s)", and Mary K. Viegelahn, duly appointed Chapter 13 Trustee ("Trustee"). In support thereof, Movant would respectfully represent to the Court as follows:

1. On October 06, 2014, Debtor(s) filed a voluntary petition under Chapter 13 of the Bankruptcy Code. Mary K. Viegelahn was appointed Trustee in this Chapter 13 Case, qualified, and is duly acting in such capacity.
2. This Court has jurisdiction of this Motion by virtue of 11 USC §§105, 361 and 362, and 28 USC §§1334 and 157.
3. The Debtor(s) claim an interest in the real property with the address of 4701 Shumard Drive, Killeen, Texas 76542 (the "Property").
4. Debtor(s) are indebted pursuant to the terms of a promissory note (the "Note") secured by a recorded instrument (the "Deed") which encumbers the Property. The Note and Deed will hereinafter collectively be referred to as the "Loan." Copies of the Loan are attached to the affidavit filed in support of this motion and incorporated herein.

- a. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.
- b. As of March 21, 2018, the unpaid principal balance of the Note is \$17,810.77. Debtor(s) are in default on obligations to Movant in that Debtor(s) have failed to make post-petition payments when due and owing pursuant to the terms of the Loan as detailed in the affidavit filed in support of this motion and incorporated herein.
- c. The following chart sets forth those post-petition payments, due pursuant to the terms of Loan, that have been missed by the Debtor(s) as of March 21, 2018:

Number of Missed Payments	From	To	Missed Principal and Interest	Missed Escrow (if applicable)	Monthly Payment Amount	Total Amounts Missed
4	12/01/2017	03/01/2018	\$554.87	\$324.91	\$879.78	\$3,519.12
Less post-petition partial payments (suspense balance):						(\$439.89)
<b>Total:</b>						<b><u>\$3,079.23</u></b>

5. By failing to make the regular monthly installment payments due pursuant to the terms of the Loan, Debtor(s) have not provided adequate protection to Movant. Consequently, Movant lacks adequate protection of its interest in the Property. Movant therefore seeks relief from the 11 USC § 362 Automatic Stay pursuant to 11 USC §362(d)(1).

6. Movant has no remedy available to it other than to seek relief from the 11 USC § 362 Automatic Stay.

7. Movant specifically requests permission from this Honorable Court to communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

8. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to reimbursement under the terms of the Note and Deed.

9. For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing an order granting this motion to be effective upon entry by this Honorable Court.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, upon hearing of this Motion, the 11 USC § 362 Automatic Stay be terminated as to the claim of Movant, its successors and/or assigns, to seek its statutory and other available remedies; that Movant, its successors and/or assigns, be permitted to obtain possession of the Property to the exclusion of Debtor(s), alternatively, Movant, its successors and/or assigns, be afforded adequate protection by including, but not limited to, having all payments presently due in this proceeding to Movant being brought current and Movant being reimbursed for its reasonable attorneys' fees and expenses; and that Movant be granted such other and further relief, at law and in equity, as is just.

Respectfully submitted,  
Bonial & Associates, P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following parties in interest either via pre-paid regular U.S. Mail or via electronic notification on or before the 11 day of April 2018:

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